JPME

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 10 PM 2:12

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA,	)	
	)	Magistrate Case No. '08 MJ 0756
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF
v.	)	
	)	Title 8, U.S.C., Section 1326
Jose Merced GARCIA-Hernandez	)	Attempted Entry After
	)	Deportation
Defendant.	)	
	)	

The undersigned complainant being duly sworn states:

On or about **March 9, 2008**, within the Southern District of California, defendant **Jose Merced GARCIA-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Tecate Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **10th** DAY OF **March**, 2008.

UNITED STATES MAGISTRATE JUDGE

JPME

PROBABLE CAUSE STATEMENT

On March 9, 2008 at approximately 6:40 PM, **Jose Merced GARCIA-Hernandez (Defendant)** made application for admission to the United States from Mexico at the **Tecate Port of Entry** via the vehicle primary lanes. Defendant was a passenger in a Dodge Ram pickup truck. Defendant presented an expired California identification card bearing his true name and photo to a Customs and Border Protection (CBP) Officer and orally declared himself to be a United States citizen. The CBP Officer received a computer generated referral and the vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendants identity. Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) revealed Defendant was ordered deported by an Immigration Judge on or about June 1, 2004 and was physically removed from the United States through San Ysidro, California on or about June 3, 2004. Immigration service records indicate Defendant has not applied for nor received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.